

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**TUESDAY, JULY 14, 2020**

**I. CALL TO ORDER**

Mayor Ladwig called the Webex virtual meeting to order at 6:00pm. Council members in attendance: Ladwig, Miller, West, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner, Trever Parker.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURN TO CLOSED SESSION – No closed session.**

**IV. APPROVAL OF THE AGENDA**

*Motion (Miller/West) to approve the agenda as written. Passed unanimously.*

**V. APPROVAL OF MINUTES – 06-09-2020 cc, 06-23-2020 scc**

*Motion (Grover/West) to approve the minutes as written. Passed unanimously.*

**VI. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS**

**Grover:** RCEA adopted a budget. Participated in a webinar regarding Tribal consultation and sovereignty. Update regarding Congressman Huffman's Covid relief bill.

**Miller:** Several contracts secured by RCEA to purchase solar power. RCEA also adopted a racial justice Resolution.

**Davies:** Attended the Tribal Government webinar. Would like to hear more about the GovToGov process.

**Ladwig:** HTA approved budget. Low ridership is an issue, along with driver safety during Covid impacts. RREDC heard a presentation on racial justice.

**West:** HCAOG continued discussion regarding Last Chance Grade.

**VII. STAFF REPORTS – City Manager & Law Enforcement**

City Manager Eli Naffah noted the highlights listed in the packet report; Announced \$50,000 Cares Act grant and Covid LED alert sign posted on the highway offramp. AT&T is constructing a cellular site at the Quarry. Verizon hopes to have their new site online by October as the new cell site in Westhaven is expecting a building permit to be issued soon.

**Davies:** Requested STR cost analysis and had questions about how fines are collected.

**VIII. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Elaine Weinreb** – Westhaven

The sign on the freeway is poorly illuminated.

**Katrine Homan** – Trinidad area

Thanked the community for celebrating the 8<sup>th</sup> grade drive by graduation ceremony.

**IX. CONSENT AGENDA**

1. Staff Activity Report – June 2020
2. Financial Statements – May 2020
3. Law Enforcement Report – June 2020
4. Minute Corrections; 05-12-2020 cc, 05-21-2020 scc
5. Storm Water Project Grant Deadlines and Conditions
6. Resolution 2020-15; Committing Water Enterprise Funds to Designated Fiscal Reserve Funds.

*Motion (Grover/Miller) to approve the consent agenda as written. Passed unanimously.*

**XI. DISCUSSION/ACTION AGENDA ITEMS**

1. Resolution 2020-14; Acknowledging the Public Service of Dwight Miller

Mayor Ladwig read the resolution aloud. City Manager Naffah presented a plaque in honor of Miller's service and dedication to Trinidad.

**West, Grover, Davies, and Ladwig** all shared their thoughts and appreciation for his service and contributions to the City.

Public comment included:

**Jacque Hostler-Carmeson** – Trinidad Rancheria

Thanked Miller for kind treatment and appreciated his thoughts and genuineness when dealing with Native issues and endeavors.

*The Council and community wished Miller well.*

2. Discussion/Decision regarding Appointment of New Councilmember to Fill Vacancy Left by the Resignation of Dwight Miller.

Mayor Ladwig explained that the City received a letter of resignation from Councilmember Dwight Miller at the June 23 meeting. Miller was elected to the position in 2018 and will have served 1-year and 6 months of his 4-year term upon resignation. The City must actively seek a replacement for the remainder of his term through December 2022.

The current Councilmember terms are:

<b>Ladwig</b>	Term Expires December 2020
<b>West</b>	Term Expires December 2020
<b>Miller</b>	Term Expires December 2022
<b>Davies</b>	Term Expires December 2022
<b>Grover</b>	Term Expires December 2022 – <i>subject to a certification vote in November 2020.</i>

Basic eligibility requirements for serving on the City Council are:

- Must reside inside the city limits
- Must be a registered voter, inside the City limits.

The City Council is responsible for appointing a new member to fulfill the remaining term, and may set whatever qualifications, criteria, and experience they feel is necessary for the applicants to have.

A vacancy notice was published on June 23 with a deadline of Thursday, July 09, 2020. As of July 09, one letter of interest was received from resident Richard Clompus. Mr. Clompus has been a resident of Trinidad since 2014, has been actively participating in recent Council meetings, and meets the basic criteria for serving on the Council.

If an appointment is made tonight, the new member will serve the remainder of Miller's term.

Candidate **Richard Clompus** explained that after discussions with Miller about possibly replacing him, he learned how humbling the role can be. He moved to Trinidad to be close to his grandchildren, and considers volunteering his service as his contribution to the wonderful community he lives in.

**Davies:** You have an impressive background. What are your specific interests?

**Clompus** explained that he believes communication is one of his strengths, but that he also wants to promote tourism in a controlled manner. Improving relationships with the native community, and helping find grant opportunities that help both parties are two things he would like to work on.

**West:** Appreciate what you have added to the meetings already.

There was no public comment.

*Motion (West/Grover) to appoint Richard Clompus to serve the remaining term of out-going Councilmember Dwight Miller through 2022. **Passed unanimously.***

3. Discussion/Decision Regarding Draft Water Shortage Planning Process.

City Planner Trevor Parker explained that the City Council tasked the Planning Commission with developing a drought contingency plan, but the Council did not include any details on the particular issues or outcomes they want addressed. Staff and the Planning Commission started reviewing guidance for Water Shortage Contingency Plans (WSCP), which focus on identifying shortage levels or stages and responses to each stage that would normally be part of a larger Urban Water Management Plan. It was determined that this would be a reasonable approach to take.

It is difficult, however, to discuss water supply in a vacuum as many of the things we have talked about recently are interrelated, and some issues and solutions lead to others. One of the first tasks was to meet with GHD staff to discuss water shortage planning. A number of things they brought up were infrastructure related, which is outside the scope of a WSCP, but which are important for the Council to be aware of. The Planning Commission wants to focus on the task given to them by the Council, but also wants the Council to be aware of some of these other issues and potential actions that have come up.

One of the things about drought planning that is important to understand is that because Trinidad's water source is a small creek with no reservoir, the City has essentially no long-term storage. The only water that enters the creek during periods of no or low precipitation is water that percolates from near surface groundwater. Therefore, the situation is different from most larger water systems that obtain water from a reservoir or groundwater storage. It means that water conservation early in the dry season, when flows on Luffenholtz Creek are normal, does not preserve water for future use when creek flows get low. There is a tipping point where the City can potentially go from pumping at normal capacity, to a very steep drop-off in pumping capacity once the creek reaches a critically low flow level that impacts the City's intake system.

Essentially, the amount of water the City can supply is a function of how much water it pumps each day. (See the [Water Treatment Plant Production Memo](#) dated May 1, 2019 by GHD for additional information.) Once flows in the creek drop to a certain level, the pump outpaces the rate at which the wet well infiltration gallery refills. Once the wet well drops to a certain level, the pump has to be turned off to allow it to refill again, limiting the amount of water that can be pumped into the treatment system each day. We do not know exactly what flow level starts to impact the wet well infiltration gallery, or what the relationship between flow and the amount of water that can be extracted is once it reaches that level. But it appears the City can go from full capacity to limited capacity pretty quickly.

There are both short-term and long-term steps the City can/should take moving forward. And there are both procedural/regulatory actions and infrastructure improvements that can be made. Many of the infrastructure improvements are long-term goals, because substantial funding may need to be secured, and there may be permitting and other steps that will need to occur prior to construction. Many of the procedural and regulatory actions could be implemented more quickly based on how they are prioritized.

Council questions included:

**Ladwig:** Discussed the convenience of smart water meters and how they could aide in adjusting water use quickly during drought conditions.

**Davies:** Glad to hear we're focusing on what to do during a drought, and the reports included tonight were very helpful. Having a plan that can be implement procedures quickly is good. Would like to see the DWR report in the packet, that would be useful as well.

**West:** This is a nice start. It would be nice to start Stage 1 measures earlier.

Public comment included:

**Bryce Kenny** – Trinidad

The City should look into smart meters.

Council comments included:

**Clompus:** Questions about the life span and fire vulnerability of redwood tank, and adequate storage capacity.

**Ladwig:** I like the idea of conducting a household baseline water usage study as the cornerstone of this process.

*Update only. No decision made.*

4. Discussion/Decision Regarding the Draft Land Use Element of the General Plan.

At their meeting on June 17, 2020, the Planning Commission reviewed and discussed the most recent draft of the Land Use Element of the General Plan update. At that meeting, the Commission recommended it to the City Council. The Land Use Element is one of the required general plan elements, and one of the most important, setting the stage for much of the rest of the general plan. Government Code § 65302(a) describes the requirements for the land use element:

*“A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways as defined in Section 816.52 of the Civil Code and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources...”*

California’s General Plan Guidelines (available at: <http://opr.ca.gov/planning/general-plan/guidelines.html>) provide additional information if you are interested. In addition, the Introduction Chapter, provided to the Council in September 2019, provides a good overview of Trinidad’s draft general plan and its various elements as well as how it is integrated with Coastal Act requirements. The Introduction can be found starting on page 109 of the September 2019 Council packet. A new copy can be provided upon request. Staff would suggest keeping these general plan elements/chapters as they come in from the Planning Commission for future reference and discussion.

Council questions included:

**Davies:** Commercial crab fishing should be included in the description. I would find it helpful to know what the Coastal Commission’s comments are on this plan so far, specifically regarding commercial land and the Trailer Court designation. How can this be visitor serving and affordable housing at the same time. If we’re not getting credit for affordable housing in these areas, we’re going backwards if we’re not getting credit for affordable housing in these areas. Who benefits from the re-designation or discussion about the housing designation? Has the Coastal Commission commented on this since July 2019? It seems like we bounce back and forth between the Commission, Planning Commission, and Council, which drags this process out. Regarding the STR Ordinance, we are supposed to review the ordinance every 2 years. Is this a General Plan concern? All supporting documents should be available for review.

**Parker** explained that a change of use should have a Coastal Development Permit. Not sure when the transition occurred at both trailer parks. The Commission has not commented since July 2019, but the Commission won’t review the entire General Plan until the supporting ordinances are included.

Ladwig: There is a procedural document on file that requires the City to communicate with the Council regarding developments in the Luffenholtz Creek Watershed.

There was no public comment.

*No decision was made. Staff will consider feedback tonight and incorporate it into the process.*

5. Discussion/Decision Regarding Water Main Replacement for Van Wycke Area of Trinidad

City Manager Naffah explained that a replacement water main is needed to serve southwest Trinidad. The area is currently served by a functional 4” water main on Edwards and an out of service 6” water main on Van Wycke. Due to the failed Van Wycke main, a temporary repair is needed to support adequate fire flows while permanent replacement of the water main is being planned and constructed. The contract City Engineer (GHD, Inc.) recommends 1) as soon as practicable, constructing a temporary bypass on Van Wycke. The cost for the temporary bypass may vary depending on input from CalFire and the Trinidad Fire Chief and is roughly

estimated to be between \$15,000 and \$30,000. A more detailed cost estimate will be prepared once input has been received, and 2) proceed with planning and constructing a permanent water main, ideally within the next 12 months. This includes development of a preliminary engineering report.

The south edge of town borders an unstable bluff area. Since 2010, the Van Wycke right of way (ROW) has been slumping, and raising the likelihood that the buried water main would rupture and fail. A catastrophic failure of the water main would cause a disruption of water service to customers, discharge potable water down the unstable and culturally sensitive bluff area into the Trinidad Bay ASBS, and potentially empty the City storage tanks. As a precaution, the City shut off and isolated the Van Wycke segment of water main in the slumping area. Severe storms such as the one in 2017 further destabilized the bluff and the continued slumping of the Van Wycke right of way continues to affect all the utilities in that area. City staff have recently tested the line by slightly opening the upper isolation valve and found that the isolated line is leaking.

The contract City Engineer Patrick Sullivan (GHD, Inc.) recently ran a model of the water distribution system, including fire flows, as part of a larger water system and supply analysis. The model indicated fire flows could not be supported with the 6" water main out of service. Public Works Director Ryan DeSmet and Fire Chief Tom Marquette conducted fire hydrant pressure tests in southwest Trinidad and verified that fire flows in southwest Trinidad could not be provided. Staff have been working with the City Engineers to identify temporary and permanent repair options, develop cost estimates and to seek funding for the repairs.

**Current and potential impacts:**

- Inadequate pressure for fire flows in SW Trinidad
- Low pressure in SW Trinidad during hydrant testing or flushing
- Potential water main failure during firefighting in SW Trinidad due to negative pressure
- Potential introduction of contamination into the water main during firefighting in SW Trinidad due to negative pressure
- Potential for complete interruption of service in SW Trinidad
- Potential for draining the water system storage tanks & interruption of service in entire system

**Budget Implications and Financing:** *Temporary Repairs:* The Water Fund has a balance in the neighborhood of \$1 million, so the estimated \$15,000 - \$30,000 for temporary repairs is available.

*Permanent Water Main Replacement:* The Grant Coordinator has identified several opportunities to fund the pre-development and construction of a permanent water line to replace the failed Van Wycke water line.

- USDA Water and Environmental Program (WEP)- the City is eligible for 75% grant funding plus 25% loan funding at interest rate of 1.125% - 1.5%. The City can combine this funding with other non-USDA funding such as DWSRF.
- USDA Special Evaluation Assistance for Rural Communities and Households (SEARCH) Grants – These \$30,000 grants pay for predevelopment planning costs to assist with preparation of an application for USDA WEP financing applications.
- Drinking Water State Revolving Fund (DWSRF) – 1.4% interest loans, loan forgiveness and grant programs are available for water system planning and construction projects.

The City of Trinidad intends to file applications for federal financial assistance with the U. S. Department of Agriculture, Rural Utilities Service. The project includes predevelopment and construction of a permanent water main. Any comments regarding this application should be submitted to the City of Trinidad at PO Box 390, Trinidad, CA 95570 or [cityclerk@trinidad.ca.gov](mailto:cityclerk@trinidad.ca.gov).

Staff will develop a SEARCH grant application for up \$30,000 for preparation of a preliminary engineering report (PER). The PER is required for the USDA application for construction funding. GHD, the contract City Engineer will prepare a PER scope of services, as requested by staff, not to exceed \$30,000. The City may also apply for a SEARCH grant of up to \$30,000 to prepare a WEP financing application and develop the NEPA environmental documentation.

There was no public or Council comment.

**Motion (Davies/Grover) passed unanimously to:**

- Authorize the City Engineer to develop emergency temporary repair plans and cost estimate for City review.
- Authorize the Public Works Director to proceed with temporary repairs to be paid from the Water Fund.
- Direct Staff to pursue funding for predevelopment and construction of a permanent water line.

- Authorize staff to negotiate and execute an agreement with GHD not to exceed \$30,000 to develop a PER to be paid with SEARCH Grant funds.

6. Discussion/Decision Regarding Government to Government Meeting Policy.

City Manager Naffah explained that the draft policies for consideration and discussion tonight are:

1. G2G are meetings of less than a quorum of the City Council where no binding actions can be taken. An example of a G2G working group would consist of two Council Members and the City Manager.
2. The Agenda for upcoming G2G meetings will be provided to the Council in advance.
3. All topics discussed at a G2G meeting need to be reported out at the next City Council meeting. This creates more transparency for the Council and the citizens.
4. If any actions need to be taken stemming from discussions at a G2G meeting, those actions will be addressed at a City Council meeting.

Naffah referenced a brief memo written by the Mitchell Law Firm regarding the Brown Act and Ad hoc Committees containing 2 or fewer Councilmembers. Advisory committees are not legislative bodies unless there are more than 2 Councilmembers or are standing committees. I'm bringing this forward now in response to Attorney Bryce Kenny's letter received earlier today bringing these issues into question.

Council questions included:

**Davies:** Why wasn't that memo included in the packet? Has our attorney reviewed this yet? If we're not having a full-fledged discussion, this is a waste of time.

**Clompus:** The City Attorney should review it and provide guidance.

Public comment included:

**Jacque Hostler-Carmeson** – Trinidad Rancheria

It is wise to be thoughtful and slow to create policy. There is a lot of information from people advising you. The Tribe is working on their consultation policy as well. Offended by references to "back room deal" accusations. This is not just between the City and the Rancheria. This will include other Tribal Governments and organizations as well.

**Shirley Laos** – Trinidad Rancheria

The policy seems incomplete. Definitions of Tribal consultation and Government to Government should be included, along with a purpose statement and fundamental principles. Our Council will need to look at the draft and provide official comments.

**Bryce Kenny** – Trinidad

You received my letter. You should consult with your Attorney. There is no requirement to have regular meetings with the Tribe. You're bound by California law. You can also adopt a policy that is more restrictive than the Brown Act because you value open government.

**Richard Harris** – Bay Area

Echoed comments from Bryce Kenny valuing open meetings, citing statutes and subject matter jurisdictions in relationship to your ongoing discussion topics with the Tribe.

Council comments included:

**Grover:** This policy is in its beginning stages. I would like to see agendas in advance and we should look into standing committees.

**Davies:** I agree with Hostler-Carmeson. This policy should cover all tribal consultations. I want the process to be fair and transparent, and take issue with this not being a standing committee. The Mayor, City Manager, and

another Councilmember attending meetings every month? I agree with Grover that agendas should be published and there should be standard noticing procedures. We should table this until we receive legal input.

**West:** I appreciate the Rancheria's input. These meetings have been very important and we should be careful how restrictive we make communication with the Tribes. Agendas and reporting out from these meetings have been weak, but we need to make communication simple, helpful, and informational. We don't make decisions in these meetings, but they are very beneficial.

**Ladwig:** Regarding Gov2Gov meetings, the spirit is to have a nimble group that can develop relationships. The perception of what's being discussed at these meetings are the issue. We need to be transparent, but a smaller workgroup can get work done. Checks and balances are already in place to limit authority. A formal policy is welcome, but this is nothing more than developing partnerships and relationships. I welcome other Councilmembers to participate as needed.

*No decision was made. Continued to a future meeting.*

7. Discussion/Decision to Reinstate Additional Half-Time Deputy Sheriff Position.

City Manager Naffah explained that the City has not received Measure Z funding for an additional half-time deputy. The City of Blue Lake is willing to share a Deputy with Trinidad, splitting the total cost with Trinidad. There is no Measure Z funding for this position. It will have to be paid for by reserves, approximately \$85,000.

**Ladwig:** The City's eligibility of grants often times comes from the level of reserve. There is a benefit to spending some of the reserves as it might put the City in a position to receive other grants.

**Davies:** Concerned with scheduling. Do we have control? If so, could the Sheriff help identify, using data, the best coverage times?

Public comment included:

**Katrine Homan** – Trinidad Area

Could the Covid emergency funding help offset the cost of this position? Naffah explained yes, a portion of it may be eligible.

Council comments included:

**Ladwig:** This City seems to have a consistent need of law enforcement. I'm hopeful that we get coverage when needed.

*Motion (Grover/West) to authorize the City Manager to pursue the additional half-time Deputy position using reserve funds to pay for it. **Passed unanimously.***

8. November Election Schedule and Upcoming Deadlines

City Clerk Adams updated the Council on the upcoming election and candidate nomination process. The City's November 03, 2020 Election ballot will include the Sales Tax Continuation Measure, and Two (3) Councilmember seats. In past elections, Councilmembers helped draft the argument in favor of the sales tax measure to be included in the voter pamphlet. This would be an appropriate time to accept volunteers to help draft it.

The list of deadlines related to the Election is as follows:

- **On or before July 16 - Election Notice:** A notice will be published in the 3 locations throughout the City (City Hall, Murphy's Market, and the Trinidad Post Office), and in the Times-Standard & Mad River Union announcing the November Election and the Council positions available.
- **July 13 – Candidate Nomination Period Opens:** Anyone who wants to file as candidate for one of the (3) open positions may pick up nomination packets from the Clerk's office at the Town Hall. Fee for filing a candidate statement in the election ballot is \$375. Payment must be made when the nomination packets are submitted. **Deadline for incumbents to file nomination papers is 2:00pm, Friday, August 07.**

- **On or before August 04** – Notice Published to Accept Arguments For/Against Sales Tax Increase; The City Clerk must file a notice to the public announcing that anyone who wishes to file arguments for or against the Sales Tax Increase continuation measure may do so by the deadline of 2:00pm, Friday, August 12.
- **August 07 – Deadline for Incumbents to file Nomination Packet**
- **August 12 – Extended Deadline for Candidate Nomination Packets IF NO INCUMBENTS file for the positions.** If an incumbent member of an office does not file a declaration of candidacy by 2:00 pm on August 7, 2020, any person other than the incumbent may file a declaration of candidacy by 2:00pm on August 12, 2020. This provision does not apply if there is no incumbent eligible to be elected. Any candidate who has filed may withdraw his or her declaration of candidacy up until 2:00pm on the last day to file.
- **August 12 – Deadline to file Arguments For/Against the Sales Tax Increase**
- **August 24 – Deadline to file REBUTTALS to Arguments For/Against Sales Tax Increase.**
- **November 08 – Election Day**

There was no public comment.

*Councilmember Grover offered to work with the City Manager to develop an Argument in Favor of the Tax Measure.*

#### **X. FUTURE AGENDA ITEMS**

- STR Ordinance Review
- Create framework to create a survey to ask the Community what's on their minds.

**ADJOURNMENT: 9:20pm.**

**Submitted by:**

\_\_\_\_\_signed copy on file\_\_\_\_\_  
**Gabriel Adams**  
 Trinidad City Clerk

**Approved by:**

\_\_\_\_\_signed copy on file\_\_\_\_\_  
**Steve Ladwig**  
 Mayor